

*IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**LAYS MARKET, INC.,**

Debtor.

Case No. 13-33376

Chapter 7

**MOTION BY MAURICE K. GUINN, TRUSTEE,  
TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS**

Notice is hereby given that:

A hearing will be held July 10, 2014, at 9:00 a.m., in Courtroom 1C, Howard H. Baker, Jr. Federal Courthouse, 800 Market Street, Knoxville, TN, on this pleading.

**If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the pleading and may enter an order granting that relief.**

Maurice K. Guinn, Trustee, by counsel, hereby moves the Court for authority to sell real property of the debtor being property of the estate free and clear of liens and interests, with liens attaching to proceeds, at private sale. The property to be sold is 622 E. Jackson Avenue, Knoxville, TN (Parcel No. 095HB003) to VanDrake Investments and/or assigns, for \$225,000.00. A copy of the contract is attached. This sale is made by the Trustee pursuant to 11 U.S.C. §363(b) and (f), and Fed. R. Bankr. P. 2002 and 6004. The sale of the asset will be free and clear of any and all lien rights of creditors and any other interests with any lien rights or interests attaching to the proceeds of the sale.

The debtor scheduled the asset in Schedule A at \$241,500.00.00. It lists NO secured creditor but does list several real property delinquencies regarding the property. The trustee has discovered a judgment lien of Ted Morgan in the amount of \$1,901.17 filed April 25, 2001 which may or may not have been satisfied.

City of Knoxville filed claim #1 and 2 in the respective amounts of \$6,350.74 and \$1,404.08. Claim #2 is for personal property tax. Knox County filed claims #3 and 4 in the respective amounts of \$1,912.41 and \$8,077.06. The lien holders will be paid in full at closing or as soon as practicable thereafter to extent they relate to the property sold.

Tennessee Dept. of Labor & Workforce Development has a lien recorded April 1, 2013 without an amount specified. It has filed claim #14 but as a priority tax claim in the amount of \$1,404.23. Tennessee Dept. of Revenue also has a lien recorded January 14, 2013 in an unspecified amount. It has filed claim #16 in the amount of \$54,141.87 but as a priority tax and general unsecured claim. It also filed claim #17 in the amount of \$5,434.00 but as an administrative claim.

Pursuant to the Order (document #26) entered on October 25, 2013, Conversion Properties, Inc. was allowed to be retained by the trustee as his real estate sales agent. A 10% commission will be paid to Conversion Properties, Inc. at closing or as soon as practicable thereafter.

The property has been listed at \$250,000.00 for approximately seven months. There has been one other offer of less than \$200,000.00. The trustee believes that the present offer is reasonable value in the market. However, should the trustee receive a better and higher offer before closing, that offer will be the accepted one for closing.

The trustee further requests that the 14 day stay that would otherwise be applicable under Fed. R. Bankr. P. 6004(h) not apply and any Order allowing the sale be immediately effective as of the date of its entry.

DATED: June 20, 2014.

Respectfully submitted,

MAURICE K. GUINN, TRUSTEE

/s/ Michael H. Fitzpatrick

MICHAEL H. FITZPATRICK, Esquire

**QUIST, CONE & FISHER., PLLC**

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion, Exhibit and proposed Order have been furnished to the following by placing a copy in the U.S. Mail, first class postage prepaid, email or via ECF to all parties listed below or on the attached mailing list this June 20, 2014:

Ted Morgan  
c/o Jack W. Piper, Jr., Esq.  
P.O. Box 219  
Knoxville, TN 37901-0219

Creditors on attached list

/s/ Michael H. Fitzpatrick  
Attorney